

STATE OF NEW YORK

COMMISSION ON PUBLIC INTEGRITY

In the Matter of an Investigation
Into Governor David A. Paterson's
Acquisition of World Series Tickets

EXAMINATION UNDER OATH

OF

GOVERNOR DAVID A. PATERSON

ORIGINAL

Wednesday, February 24, 2010
Commission for Public Integrity
State Capitol
Albany, New York

APPEARANCES

FOR THE NYS COMMISSION ON PUBLIC INTEGRITY:

STATE OF NEW YORK COMMISSION ON PUBLIC INTEGRITY
540 Broadway
Albany, New York 12207
BY: BRIDGET HOLOHAN, ESQ.
BARRY GINSBERG, ESQ.

FOR GOVERNOR PATERSON:

STATE OF NEW YORK, EXECUTIVE CHAMBER
State Capitol
Albany, New York 12224
BY: JEFFREY PEARLMAN, ESQ.

ALSO PRESENT:

Lawrence J. Murello
Robert J. Shea
Jennifer Moore

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1 G O V E R N O R D A V I D A . P A T E R S O N ,
2 having been first duly sworn by the notary public,
3 was examined and testified as follows:

4 EXAMINATION

5 BY MS. HOLOHAN:

6 Q Good afternoon, Governor. My name is Bridget
7 Holoohan, and I'm associate counsel to the Commission on
8 Public Integrity. And I've been assigned to inquire
9 into the attendance and acceptance of tickets to Game 1
10 of the World Series at Yankee Stadium.

11 Before we begin is there anything you'd like to
12 state for the record?

13 A No.

14 Q And, for the record, are you aware that the
15 Commission sent you what we refer to as a 15-day letter
16 dated October 30, 2009 informing you that your receipt
17 of World Series tickets may have violated the Public
18 Officers Law?

19 A Yes.

20 Q And are you aware that your counsel, Peter Keirnan,
21 responded on your behalf?

22 A Yes.

23 Q Is there anything in your own words you'd like to
24 say about that response?

25 A No.

1 Q Based upon Mr. Kiernan's response on your behalf,
2 is it your position that you did not need to -- you did
3 not need to pay for your ticket to the World Series
4 because you were on official business?

5 A Yes.

6 Q What was your official business?

7 A Well, my official business as Governor is to
8 represent the State at events that have state-wide
9 interest. This was the first game of the World Series.
10 It's always a national event, like the Academy Awards
11 or, you know, Governor's State address or something
12 like that. And as part of my duty I saw that I
13 believed that I should be there to represent the State.
14 And I still do.

15 Q Is it your position that all other tickets would be
16 paid for?

17 A Yes.

18 Q And was it your intention that all other tickets
19 would be paid for prior to the game?

20 A Yes.

21 Q Why was that your intention?

22 A Well, anyone traveling with me is not representing
23 the State. They may be assisting me, and my
24 interpretation -- that's my interpretation of the
25 current regulations.

1 Q Are you aware that there was a NEW YORK POST
2 article following your attendance at Game 1 of the
3 World Series regarding your attendance?

4 A Yes.

5 Q And it was your intention that all other tickets
6 would be paid for despite this press report?

7 A Yes. In fact, I had sent my check in before the
8 article came out.

9 Q And what check are you referring to?

10 A I paid for my son and a friend of his who came with
11 us.

12 Q And when did you send that check?

13 A Friday. The first game was Thursday night.

14 Q You sent this check to the New York Yankees?

15 A I gave it to my assistant to send to the Yankees.

16 Q Did you send anything else along with your check?

17 A I don't believe so. I don't know.

18 Q Okay.

19 MS. HOLOHAN: If I could just have this
20 marked as Exhibit 3.

21 (Commission Exhibit No. 3 was marked for
22 identification.)

23 MS. HOLOHAN: I'm going to ask that the
24 Governor review what has been marked as Exhibit 3.

25 MR. PEARLMAN: Do you want to go off the

1 record? And I'll just explain it to you.

2 MS. HOLOHAN: Absolutely.

3 (Discussion held off the record.)

4 BY MS. HOLOHAN:

5 Q Governor, does this refresh your memory as to
6 whether or not you sent anything else along with your
7 check to the New York Yankees?

8 A No.

9 Q And is this a copy of the check that you sent to
10 the New York Yankees?

11 A I would assume it is.

12 Q And did you make this check out personally?

13 A Yes.

14 Q And how did you know to make it out to Mr. Kirimca?

15 A That part of the check I left blank because I
16 didn't know who it was going to.

17 Q So when did you make out this check?

18 A I made out the check whatever was the day of the
19 first game of the World Series.

20 Q Can we agree that the first day -- first game of
21 the World Series was on October 28, 2009?

22 A So that would be Thursday?

23 Q I believe it was a Wednesday.

24 A Okay. I guess that's when it was.

25 Q Do you have any recollection to the contrary that

1 the first game of the World Series was on Wednesday,
2 October 28, 2009?

3 A I think that's the date. I thought the first game
4 was on the 27th, so I guess it was on the 28th.

5 Q So then why is this check dated October 27, 2009?

6 A That may have been when I filled it out.

7 Q But it's your testimony that you left the "pay to
8 the order of" blank?

9 A Right.

10 Q Until when?

11 A I didn't fill out "to the order of." I didn't know
12 who the check was going to.

13 Q I understand that. Maybe I'm not asking my
14 question clear enough. When did you fill in "pay to
15 the order of"?

16 A I never did.

17 Q Who did, then?

18 A I would assume that David Johnson did.

19 Q So just so I'm clear, you filled out every other
20 part of the check but the section that is "pay to the
21 order of"?

22 A That's my memory. I didn't know who to send the
23 check to.

24 Q When did you learn who to send the check to?

25 A Just now.

1 Q And it's your testimony that you filled this out on
2 the day of Game 1 of the World Series?

3 A Right.

4 Q Prior to going to the game?

5 A Prior.

6 Q And that's because it was your intention to pay for
7 your son and your son's friend's ticket prior to the
8 game?

9 A I brought the check along in case we needed it to
10 pay for it.

11 Q Why did you feel that you needed to pay for two of
12 the tickets?

13 A Well, they were guests of mine. They weren't
14 essential to representing the State.

15 Q And your son attended with you Game 1?

16 A Yes.

17 Q And what is the age of your son?

18 A 15.

19 Q And he went along with a friend of his?

20 A Yes.

21 Q And what is the age of his friend?

22 A I believe 15.

23 Q Do you know whether this check was actually
24 forwarded to the Yankees prior to attending Game 1?

25 A It couldn't have been, because I had it during

1 Game 1.

2 Q So do you know when it was forwarded to the
3 Yankees?

4 A No.

5 Q When was it decided that you would attend Game 1?

6 A Perhaps the day before, because we were going to
7 have a special session of the legislature around that
8 time, and the other legislative leaders asked if it
9 could be pushed back because the 28th was a fundraiser
10 for them, so I had expected to be in Albany.

11 Q Whose idea was it that you should attend Game 1?

12 A It was my idea.

13 Q Why did you think it was a good idea to attend?

14 A Well, I'd been on CNBC, and they had me on with the
15 president of the Yankees, and he said something in the
16 interview like "I look forward to seeing you."

17 I had seen the president of the Yankees at an event
18 sponsored by the New York City Partnership, and he
19 asked me, "Are you coming?"

20 I had done a number of interviews on sports radio,
21 and they asked me if I was attending the game. And I
22 answered yes, even though I hadn't started the process
23 of going there.

24 And then I had a bet with the Governor of
25 Pennsylvania about the outcome of the World Series, and

1 that was written about in the media. So I think that
2 laid the foundation that as the head of the State that
3 I should be there, and I saw that as official business.
4 And I can't say that I can think of any more
5 documentation that there would be official business
6 than that.

7 Q So prior to your appearance on CNBC had you decided
8 to go to the game?

9 A I didn't think I would be going to the game because
10 we had scheduled a special session of the legislature
11 for the 28th, and -- I mean, I wasn't planning on it.
12 But I realized, because of the public nature of it,
13 that I had to be there.

14 Q Were you invited by the Yankees?

15 A No.

16 Q Did you believe tickets would have to be obtained
17 in order for you to attend Game 1?

18 A My understanding was that to give you tickets that
19 the Yankees needed a letter stating that it was
20 official business.

21 Q And that was your understanding prior to Game 1?

22 A Right.

23 Q And so once you decided that you should go to
24 Game 1 of the World Series, did you have conversations
25 with anyone from your office so that they could obtain

1 tickets?

2 A I asked David Johnson to get tickets for Game 1 and
3 to speak to Peter Kiernan, our counsel, about making
4 sure that it was done the right way.

5 Q Who is David Johnson?

6 A One of my assistants.

7 Q When you asked Mr. Johnson to get you tickets, what
8 was the substance of the conversation?

9 A Just what I described.

10 Q So you directed Mr. Johnson to obtain tickets to
11 Game 1 of the World Series for you?

12 A And to speak to our counsel, Peter Kiernan, to make
13 sure it was done the right way.

14 Q Did you indicate to him how many tickets you
15 wanted?

16 A I told him that in addition to my ticket that I
17 would purchase tickets for my son and a friend of his.

18 Q So you requested three tickets from Mr. Johnson?

19 A That was my initial statement to him.

20 Q Did that statement change?

21 A I asked him later if another assistant in the
22 office, who was a big Yankees fan and knew a lot more
23 about the Yankees than I did, could be available to go.

24 Q And who was that assistant?

25 A His name is Mark Leinung, L-i-n --

1 MR. PEARLMAN: L-e-i-n-u-n-g.

2 Q What is Mr. Leinung's title?

3 MR. PEARLMAN: I can answer that if
4 that's okay.

5 Q If you know.

6 MR. PEARLMAN: He's the Deputy Director
7 for State Operations.

8 BY MS. HOLOHAN:

9 Q At this time did you understand that Mr. Johnson
10 would be going as well?

11 A I don't remember.

12 Q When was it determined that Mr. Johnson would go?

13 A Well, it was probably whoever was scheduled as the
14 travel person that week, and it turned out to be him.

15 Q By scheduled person, could you describe for me what
16 you mean?

17 A In other words, each week a different staff member
18 travels with me, and that was his week.

19 Q So at the time you asked Mr. Johnson to obtain
20 tickets, you anticipated that two of your staff members
21 would join with you?

22 A I didn't think about that at the time.

23 Q Prior to going to Yankee Stadium on October 28th,
24 did you know who was attending with you?

25 A I don't understand the question.

1 Q Well, let me start this way: Who attended Game 1
2 with you?

3 A David Johnson did; my son, Alex, and his friend
4 Jeremy did; Mark Leinung did. But I believe there was
5 a press secretary there and members of the state police
6 were there. And if anyone else was there, I don't
7 remember.

8 Q And of the individuals that attended Game 1 with
9 you, do you know how many needed tickets?

10 A No.

11 Q Who was in the seats with you?

12 A David Johnson, my son and his friend and Mark
13 Leinung.

14 Q Do you know how these tickets were obtained?

15 A No.

16 Q Did you have any conversations with Mr. Johnson
17 prior to attending Game 1 regarding his payment for his
18 ticket?

19 A No.

20 Q Did you have any conversations with him after
21 attending Game 1 regarding his payment for his ticket?

22 A When the newspaper article came out, I asked, and
23 he said he was paying for his ticket.

24 Q Other than his statement to you that he was paying
25 for his ticket, did you have any other conversation

1 with Mr. Johnson regarding his ticket?

2 A Not that I recall.

3 Q Do you know whether he ever paid for his ticket?

4 A No.

5 Q Prior to attending Game 1 of the World Series did
6 you have any conversations with Mark Leinung regarding
7 his payment for his ticket?

8 A No.

9 Q Why not?

10 A Because I had instructed David Johnson to speak to
11 Peter Kiernan and work this out. It was not clear to
12 me. The state police, I assumed, wouldn't be paying.
13 The media person, I guessed, would not be paying. It's
14 not always clear what happens to the body person -- in
15 other words, the person who is traveling. So I knew
16 that Mark Leinung had to pay.

17 Q How did you know that Mark Leinung had to pay?

18 A Because he wasn't the travel person. He was a
19 staff member who was coming to help me for interviews
20 and that kind of thing, because I knew, just as in any
21 other case, you would take a staff member that knows a
22 lot about the subject. The travel person doesn't --
23 facilitates the trip, but you would usually take a
24 staff member someplace who has a great deal of
25 understanding about whatever the issue is. In this

1 case it was sports. He was a big Yankee fan. I knew
2 that because I had worked with him in the Senate and as
3 Lieutenant Governor, and I thought he was the perfect
4 person to help me if something came up.

5 Q Do you know whether Mr. Johnson informed
6 Mr. Leinung that he had to pay for his ticket?

7 A No.

8 Q Do you know if Mr. Leinung ever paid for his
9 ticket?

10 A Yes, I know he did.

11 Q How do you know that?

12 A I don't remember. I just know that I know that he
13 paid for it.

14 Q Prior to attending Game 1 of the World Series did
15 you have any conversations with Mr. Kiernan regarding
16 securing tickets?

17 A No.

18 Q Just to make sure that I've made a clear record, it
19 is your testimony today that the only person who was on
20 official business at Game 1 of the World Series was
21 yourself?

22 A Yes.

23 Q Are there any circumstances in which you believe
24 Mr. Johnson would be attending a sporting event with
25 you in his official capacity?

1 A Well, I was sure about that my ticket didn't need
2 to be paid for. I'm not sure about the travel person,
3 in other words, the person who was assisting the
4 principal to get in and out of the place.

5 Q Did you share your concerns as to whether or not
6 Mr. Johnson's ticket should or shouldn't be paid for
7 with Mr. Johnson prior to Game 1?

8 A No.

9 Q And just so we're clear, he was your travel person
10 for Game 1 of the World Series?

11 A He was.

12 Q Are you aware of any circumstances in which Mark
13 Leinung's attendance at a sporting event with you would
14 be within his official capacity?

15 A No, it wouldn't be.

16 Q Under any circumstances?

17 A Well, if he became the travel person, it might.
18 The law is conflicted on the travel person. It's not
19 consistent.

20 Q Is there any circumstance where you believe your
21 son could be on official State business with you?

22 A No.

23 Q Is there any circumstance where you believe a
24 friend of your son could be on official State business
25 with you?

1 A No.

2 Q As Governor how do you determine whether your
3 attendance at a sporting event is or is not within your
4 official capacity?

5 A If I went to a Yankee game three weeks before, that
6 can't be official business. It's a regular sporting
7 event. You would be using your status to get into the
8 game. What's official would be something
9 extraordinary, something that is ceremonial, opening
10 day of the brand new stadium, Yankee Stadium, opening
11 day of a brand new stadium at Citi Field, first game of
12 the World Series.

13 This is a nationally-recognized ceremony. They
14 have an actual ceremony before the first game of the
15 World Series. They don't have them for any other game
16 of the World Series. So by going to Game 2 the next
17 night, I would not have seen it as official business.

18 I did see this as official business because it's
19 the opening, the beginning. These are the types of
20 events that governors attend, ground-breakings,
21 concerts for September 11 victims, September 11th
22 ceremonies, New York City welcoming a national
23 organization's convention for something. They are
24 unique. Otherwise, just to go to a sporting event
25 would not qualify.

1 Q What business functions did you participate in
2 prior to attending Game 1?

3 A I believe prior to Game 1 I was in -- I mean, this
4 is my memory here -- I believe I was in Albany and came
5 back to the city, so I was conducting business in
6 Albany and came back to the city that evening, picked
7 up my son and took him to Yankee Stadium.

8 Q While you were at Yankee Stadium, did you
9 participate in any of the opening events, opening
10 ceremony events?

11 A I didn't speak. I was recognized among dignitaries
12 who were there. I was interviewed by the media in the
13 foyer of the stadium. I took somewhere between 50 and
14 60 pictures with fans who came over and asked to take
15 pictures. At a regular game after a while I might have
16 kind of asked for privacy, but I knew what I was there
17 for.

18 Q When you say you were recognized by dignitaries,
19 could you describe for me what you mean?

20 A By public address announcement, they recognized all
21 of the officials who had come to the game. They did
22 not recognize me by name, but they recognized me in a
23 group of officials that attended.

24 Q Just so I'm clear, there was a public announcement
25 that said the Governor of New York was here?

1 A No, I didn't say that. They said "we'd like to
2 thank all of our leaders and officials for being here
3 at the game." The vice president's wife, Mrs. Biden,
4 was there. Mayor Bloomberg was there. Former Mayor
5 Giuliani was there, and I was there, and I assume
6 that's who they were talking about.

7 Q Did you meet with Mayor Bloomberg?

8 A I said hello to him.

9 Q Did you meet with the first lady?

10 A No.

11 Q Did you meet with Mrs. Biden?

12 A No. I saw her when she went past me.

13 Q Did you stay for the entire game?

14 A Yes.

15 Q Other than Mayor Bloomberg, did you see any other
16 public officials while you were there?

17 A Mayor Giuliani.

18 Q Did you speak with Mayor Giuliani?

19 A I said hello to him.

20 Q After you left the game, did you conduct any other
21 State business?

22 A That evening I spoke to staff members when I got
23 home about a few things that were going on that day. I
24 spoke to them during the game.

25 Q Is this staff other than the staff that was

1 attending the game with you?

2 A Correct.

3 Q And you also mentioned that you spoke with the
4 media while you were at the game?

5 A Yeah.

6 Q Do you recall what the substance of your
7 conversations with the media was?

8 A Who did I think who was going to win, sports
9 questions. They might have asked some off-topic
10 question. I don't remember answering it.

11 Q Are you aware that following your attendance at
12 Game 1 of the World Series, there were press inquiries
13 regarding your attendance?

14 A Yes.

15 Q How did you become aware?

16 A I guess my press office told me.

17 Q Do you have a protocol in your office for handling
18 press inquiries?

19 A They go through the press office.

20 Q Other than going through the press office, is there
21 any other protocol?

22 A I don't know of any.

23 Q Who heads your press office?

24 A Peter Kauffmann.

25 Q Did he inform you of press inquiries?

1 A I don't remember.

2 Q And by press inquiries, can we agree that there was
3 an inquiry from Fred Dicker of the NEW YORK POST?

4 A Yes.

5 Q Do you know when Mr. Dicker made his inquiry?

6 A No.

7 Q Do you know whether Mr. Dicker was responded to?

8 A I believe he was.

9 Q Do you know who responded to Mr. Dicker?

10 A No, I don't.

11 Q Prior to your press office responding to
12 Mr. Dicker's inquiry, were you advised as to what that
13 response would be?

14 A No.

15 Q Other than Game 1 of the World Series, is there any
16 other time during the 2009 baseball season in which you
17 attended a game at Yankee Stadium?

18 A I attended opening day, which was the opening of
19 the stadium.

20 Q Do you recall when that was?

21 A April 16th.

22 Q April 16, 2009?

23 A 2009.

24 Q And this is the brand new Yankee Stadium?

25 A Right.

1 Q Who did you attend with?

2 A I attended with my son, again, David Johnson, and
3 there was a press person there. I'm not sure who it
4 was.

5 Q Whose idea was it for you to attend opening day?

6 A I was asked to come to opening day by Randy Levine,
7 the president of the Yankees.

8 Q So it's your testimony that Mr. Levine invited you
9 to Game 1 -- excuse me -- to opening day?

10 A That was my interpretation.

11 Q What do you mean, that was your interpretation?

12 A Well, I spoke to him right after becoming Governor,
13 and he said, "We'd really like you to come to opening
14 day at the stadium."

15 Q Just so we're clear on the record, when did you
16 become Governor?

17 A March 17th of 2008. I'm sorry. I came to the game
18 in 2009, and he asked me sometime before the game if I
19 would be coming.

20 Q So this was sometime in early 2009 he asked you to
21 come to opening day?

22 A Right.

23 Q Do you know how tickets were obtained to opening
24 day?

25 A Someone contacted the office, and they were told to

1 speak to Brian Mathis of the Yankees, and that's all I
2 know about it. In fact, I'm not sure that that's
3 actually his name. Brian is his first name.

4 Q So someone from your office contacted the Yankees?

5 A Yes.

6 Q Do you know who from your office contacted the
7 Yankees?

8 A No, I don't.

9 Q And how was it decided that Mr. Johnson would
10 attend opening day with you?

11 A I think it was Mr. Johnson's period when he was
12 traveling with me, and he is the lead travel person, so
13 usually at the major events he is with me.

14 Q How many traveling staff members do you have?

15 A Four.

16 Q And they, generally speaking, rotate?

17 A Generally. Generally.

18 Q And how was it determined that your son would
19 attend with you?

20 A I asked him if he'd like to go.

21 Q And how was it determined that a member of your
22 press staff would attend with you?

23 A I think because there were going to be press there.
24 I did an interview with Fox 5 there. I saw the group
25 of media when I first came in. I can't name them all.

1 They had questions and not always limited to sports,
2 and you would need a press person there to record your
3 answer just to make sure that you were not inaccurately
4 reported.

5 Q And you gave this interview with Fox 5 during the
6 game?

7 A I think before the game.

8 Q Were you at Yankee Stadium when the interview
9 occurred?

10 A Yes.

11 Q Is it your position that your press person was
12 there in his or her official capacity?

13 A Yes.

14 Q So did he or she have to pay for his or her ticket?

15 A In this case I don't know.

16 Q Is it your position that Mr. Johnson attended
17 opening day with you in his official capacity?

18 A Yes. I don't -- he attended the game. I don't
19 know if it was in his official capacity.

20 Q Do you know whether he paid for his ticket to
21 opening day?

22 A I don't know.

23 Q Did you pay for your ticket to opening day?

24 A No.

25 Q Why not?

1 A It was the opening day of a stadium. It was the
2 first new stadium they had had in 86 years, and I
3 thought that was an official opening of an event, just
4 as it would have been a theatre or a new office
5 building.

6 Q Did you pay for your son's ticket?

7 A I don't believe so.

8 Q Why not?

9 A I don't know.

10 Q You testified earlier that Randy Levine invited you
11 to the new stadium. Did he invite you to opening day?

12 A To opening day is what he invited me to.

13 Q Do you remember where your seats were?

14 A Behind home plate.

15 Q Can we agree those are good seats?

16 A Yes.

17 Q Do you remember the face value of the tickets for
18 opening day?

19 A No. No.

20 Q Where were your seats to Game 1?

21 A They were, I guess, on the first base line
22 somewhere.

23 Q Would you characterize these as good seats?

24 A I would think so.

25 Q Do you think it's fair to say that World Series

1 tickets are hard to come by?

2 A Yes.

3 Q Why would you agree that they are hard to come by?

4 A For the exact same reason, that it's a major event,
5 that everyone wants to be there and the whole State is
6 watching.

7 Q If you were not Governor, do you think Mr. Johnson
8 would have been able to obtain tickets to Game 1 of the
9 World Series?

10 A That's too speculative.

11 Q Why is it too speculative?

12 A How would I know? There were a lot of fans in the
13 stadium. Who would or wouldn't have gotten tickets is
14 impossible for me to determine.

15 Q Do you think if you weren't Governor, Mr. Johnson
16 could have called Randy Levine directly and obtained
17 tickets to Game 1 of the World Series?

18 A Again, I don't know.

19 Q Do you think but for the fact you were Governor,
20 your son could have obtained tickets to Game 1 of the
21 World Series?

22 A Well, my son would have had an opportunity to go if
23 I had an opportunity to go.

24 Q Would you have been at Game 1 of the World Series
25 if you were not Governor?

1 A No.

2 Q So is it fair to say that your son would not have
3 been at Game 1 of the World Series if you had not been
4 at Game 1 of the World Series?

5 A I don't know.

6 Q Who invited your son's friend?

7 A He did.

8 Q Is it fair to say your son's friend would not have
9 been at Game 1 of the World Series but for the fact
10 that you were at Game 1 of the World Series?

11 A I'd say that's fair to say.

12 Q Why do you say that's fair to say?

13 A I think he was invited about an hour before the
14 game, so he was invited by us. Clearly, he wasn't
15 going to be there.

16 Q Are you aware that there's a secondary market for
17 World Series tickets?

18 A No.

19 Q Have you ever heard of a company called StubHub?

20 A Yes.

21 Q What do you understand StubHub to be?

22 A It's a company that recirculates tickets.

23 Q What do you mean by "recirculate"?

24 A Well, in other words, people not attending a game
25 will sell them back to the company, and the company

1 resells them.

2 Q Do you know whether the company resells them at
3 face value?

4 A No.

5 Q You do not know or they do not?

6 A I do not know.

7 Q Is it fair to say that if your son had an
8 opportunity to go to Game 1 of the World Series, he
9 would not have gotten what you agree were good seats?

10 A I think that's fair to say.

11 Q Is it a fair statement that if your son's friend
12 had had an opportunity to go to Game 1 of the World
13 Series, he would not have had an opportunity to get
14 what we agree were good seats?

15 A I think that's fair.

16 Q Other than opening day and Game 1 of the World
17 Series at Yankee Stadium, did you attend any other
18 sporting events during 2009?

19 A I attended opening game in Citi Field.

20 Q And that's the New York Mets?

21 A Correct. I attended the game of the first game of
22 the World Series. I attended the openings at Citi
23 Field and Yankee Stadium. I didn't stay for the
24 greater part of the games.

25 Q Okay. Let's just clarify then. So you went to

1 opening day at Yankee Stadium?

2 A Correct.

3 Q How long did you stay?

4 A Three innings.

5 Q And you attended opening day at Citi Field?

6 A Correct.

7 Q How long did you stay?

8 A Five innings.

9 Q Did you participate in any of the opening day
10 ceremonial functions at Citi Field?

11 A Yes.

12 Q What was your participation?

13 A I attended a pre-game reception in the stadium with
14 the personnel of the Mets, met a lot of their
15 benefactors and organizational people. I was
16 interviewed at the game. I was introduced to the
17 crowd.

18 Q Were you introduced to the crowd individually?

19 A Individually. I was the first person introduced to
20 the crowd.

21 Q So your name was announced?

22 A My name was announced.

23 Q Were you invited to opening day at Citi Field by
24 the New York Mets?

25 A Yes.

1 Q Who invited you?

2 A I don't remember. It was brought to my attention
3 by my scheduler.

4 Q Who is your scheduler?

5 A Matt Nelson.

6 Q What did he tell you about the invitation?

7 A I don't remember.

8 Q Who attended opening day at Citi Field with you?

9 A My son and David Johnson.

10 Q Did you pay for your ticket?

11 A No.

12 Q Did you pay for your son's ticket?

13 A I'm not sure about that.

14 Q Why didn't you pay for your ticket?

15 A It was, again, the opening day of a new stadium,
16 which was a major project the State had assisted the
17 Mets in erecting, and this was the first time the Mets
18 had had a new stadium in 45 years. And I was invited
19 and participated in the ceremony.

20 Q You might have already answered this. Forgive me.
21 What was your participation in the ceremony?

22 A I was introduced to the crowd. I gave interviews.
23 I was interviewed on the Mets' television station
24 during the game. I went up and visited the Mets'
25 ownership and management, as I had also done at Yankee

1 Stadium.

2 Q Do you know if Mr. Johnson paid for his ticket?

3 A I don't know.

4 Q Was Mr. Johnson at opening day at Citi Field on
5 official business?

6 A He was working. He was acting as my travel person,
7 yes.

8 Q Why did you only stay for five innings?

9 A I had to travel the next morning. Opening day at
10 Citi Field was a night game on April 13th. I had to
11 travel the next morning, and I just didn't have time to
12 stay to the end of the game. Opening day of the
13 Yankees game was April 16th, and I went to a reporters
14 round table meeting with the press at 3:30, so I had to
15 leave there early.

16 Q I believe you just testified that you spoke with
17 Yankees personnel. Was that at opening day or Game 1
18 of the World Series?

19 A It was at opening day.

20 Q Do you recall who you met with?

21 A Opening day?

22 Q Correct.

23 A George Steinbrenner, the owner; Randy Levine, the
24 president; the general manager, whose name is
25 temporarily escaping me.

1 Q Mr. Trost?

2 A No.

3 Q Mr. Cashman?

4 A Cashman, Brian Cashman.

5 Q You would not be taking me to the Yankees game for
6 expertise on the Yankees.

7 Do you recall what State business was discussed?

8 A At which game?

9 Q This is opening day of Yankee Stadium.

10 A Opening game of Yankee Stadium was a couple weeks
11 after the budget was passed, and there was some
12 conversation about that, very general.

13 Q You mentioned earlier that the State assisted in
14 erecting Citi Field, the new Citi Field?

15 A There was something about the transportation around
16 the stadium and some of the land that the State was
17 involved in.

18 Q Is this Yankee Stadium?

19 A This is at Citi Field.

20 Q If you had paid for your son's ticket to opening
21 day at Citi Field, how would you have paid?

22 A By check, I assume.

23 Q Are you aware of the Yankees' policy with respect
24 to tickets to public officials?

25 A I'm not well aware of it.

1 Q What is your understanding of it?

2 A My understanding of it is that the Yankees make
3 public officials pay for their tickets because of an
4 incident in the World Series, I believe in 1996, when
5 they gave out wholesale tickets to the New York City
6 council members, and that became an integrity issue.

7 Q So do you know what their policy became as a result
8 of that integrity issue?

9 A I think their policy became that they asked elected
10 officials to pay for their tickets.

11 Q So was there a deviation from that policy when you
12 obtained a free ticket to Game 1 of the World Series?

13 A I would think not.

14 Q Why not?

15 A Because the public officials who were there, with
16 the exception of the Mayor and the Governor, are there
17 just to see the game. They might like being there, but
18 they don't have any official capacity. The Mayor and
19 the Governor are there representing the City and the
20 State. They are going to be available for media
21 opportunities. They are going to be asked to take
22 pictures with some of the fans who are there, and they
23 are part of the ceremony.

24 Q Their presence is part of the ceremony?

25 A Their presence is part of the ceremony.

1 Q Just so I'm clear for the record, "their," I'm
2 referring to the Governor and the Mayor of New York
3 City.

4 A The Mayor. If the Governor doesn't go to the first
5 game of the World Series, all the Governor can say --
6 all the Governor gets asked the next day by the media
7 is, "Where were you? You were on television talking
8 about the World Series. This is your State. This is
9 your team. Where were you?"

10 Now, I would rather have stayed home and watched
11 the World Series, because I couldn't see it from there,
12 but I went to the game because I'm Governor.

13 Q You mentioned earlier that when you asked
14 Mr. Johnson to secure tickets for you for Game 1 of the
15 World Series, you asked him to speak with Mr. Kiernan,
16 is that correct?

17 A Yes.

18 Q What did you ask him to speak with Mr. Kiernan
19 about?

20 A As I said before, to make sure that it was handled
21 right.

22 Q And that what was handled right?

23 A Make sure that the acquiring of the tickets was
24 done correctly.

25 MS. HOLOHAN: I'd like to have that

1 marked as Exhibit 4.

2 (Commission Exhibit No. 4 was marked for
3 identification.)

4 MR. PEARLMAN: Off the record.

5 (Discussion held off the record.)

6 BY MS. HOLOHAN:

7 Q Governor, do you know why this letter was
8 generated?

9 A Well, this letter was generated to document that
10 our counsel had determined this to be an appearance in
11 official capacity as Governor and not as a spectator at
12 the game.

13 Q And is this letter for you?

14 MR. PEARLMAN: I'm sorry. This is Jeff.
15 I think the letter says very clearly what it says.
16 This is to advise that Governor David Paterson will
17 be attending.

18 BY MS. HOLOHAN:

19 Q So it was not your intention that this letter would
20 cover the other individuals who attended Game 1 with
21 you?

22 A No. No. If I was intending that, I would have
23 written it.

24 Q Because the other individuals who were with you
25 were not on official business?

1 A They may have been on official business. I mean,
2 the two staff members were there to help me. But we
3 didn't see how they were -- didn't see how they were
4 covered.

5 Q So then under your understanding of the Yankees'
6 policy, other than your ticket, the Yankees would have
7 expected payment for the other four tickets?

8 A This is at the World Series?

9 Q Correct. I'm sorry.

10 A Yes. Yes.

11 Q I'm going to show you what has been previously
12 marked as Exhibit 1.

13 THE WITNESS: Off the record.

14 (Discussion held off the record.)

15 BY MS. HOLOHAN:

16 Q Were you aware of this e-mail in April of 2009?

17 A Yes.

18 Q Do you know why this e-mail was generated?

19 A It was generated at the request of the Yankees for
20 them to provide us with the tickets.

21 Q Does this refresh your memory as to whether or not
22 Mr. Kauffmann was your press staff that went with you?

23 A No, he was not.

24 Q So he was intended to go but he didn't?

25 A No. He -- he didn't go for whatever reason. And

1 the person who went, I believe his names Errol
2 Cockfield. But the letter would have -- the letter
3 referenced Kauffmann because he's the head of the
4 bureau and he -- this is his designee who he sends to
5 do the media that day.

6 Q And did Mr. Diaz attend with you?

7 A I just heard his name. I didn't realize that he
8 had attended until right now.

9 Q But this refreshes your memory that he did attend
10 with you?

11 A I don't remember seeing him even after hearing it,
12 but I assume that he was there.

13 Q In the letter Mr. Kiernan says that the -- it is
14 not an impermissible gift for you to attend because of
15 the opening ceremonies and that this would also apply
16 to the Governor's son, Alex.

17 A Correct.

18 Q Why would this also apply to your son?

19 A That was my counsel's interpretation, having read
20 the statute. Sometime later on -- though we stand by
21 the interpretation -- we decided that we wouldn't do it
22 that way.

23 Q When did you make that determination?

24 A I don't remember the date.

25 Q Was it after Fred Dicker's inquiry?

1 A When was Fred Dicker's inquiry?

2 Q After Game 1 of the World Series.

3 A No, this is before Game 1 of the World Series. I'm
4 saying after opening day we decided that we were going
5 to follow a different protocol.

6 Q So it was sometime after opening day but prior to
7 Game 1 of the World Series?

8 A Yes.

9 Q Why was it determined to change policy?

10 A We thought that it was a close interpretation, and
11 we just thought we would err on the side of caution.

12 Q Did you make any inquiry with the Commission on
13 Public Integrity as to whether your son could attend
14 opening day?

15 A I don't know. It was suggested that this would be
16 a better way to handle it.

17 Q Did you ever pay for Alex's ticket to game -- to
18 opening day at Yankee Stadium?

19 A I don't believe so.

20 Q Did you attend Jackie Robinson Day at Citi Field?

21 A Yes.

22 Q When was that?

23 A It seemed to be a couple days after opening day.

24 Q So this is April of 2009?

25 A Yes.

- 1 Q What is Jackie Robinson Day at Citi Field?
- 2 A They were honoring the fact that they named the
3 pavilion in the stadium after Jackie Robinson.
- 4 Q Who attended Jackie Robinson Day at Citi Field with
5 you?
- 6 A I honestly don't remember.
- 7 Q Did your son?
- 8 A No.
- 9 Q How was it determined that you should go to Jackie
10 Robinson Day?
- 11 A I was invited by the Mets.
- 12 Q How were you invited?
- 13 A I don't know.
- 14 Q Did you pay for your ticket?
- 15 A There was no ticket.
- 16 Q How did you gain access to the stadium?
- 17 A I walked in. The Jackie Robinson ceremony was
18 before the game.
- 19 Q Did you stay for the game?
- 20 A I don't believe there was a game. If there was a
21 game, it would have had to have been in the afternoon,
22 and I don't believe there was one.
- 23 Q So, to the best of your recollection, this was
24 merely a ceremony for --
- 25 A It was a ceremony at the stadium to name the

1 pavilion for Jackie Robinson. His wife, Rachel, was
2 there. I spoke at the event. So did Mayor Bloomberg.
3 So did Senator Schumer. We all came, and we all left.

4 If they were playing a game that day -- and perhaps
5 they were -- I wasn't at the game. But I just don't
6 remember getting a sense that there was a game about to
7 take place.

8 Q You testified earlier that you weren't aware of any
9 circumstances where you believe your son could be on
10 official State business with you, correct?

11 A My son doesn't conduct official State business, but
12 quite often, when these kinds of invitations are
13 offered, the -- you know, a spouse or a child or
14 someone might come along with the principal.

15 Q And by --

16 A And, again, it demonstrates, in addition to the
17 fact that you're taking your child, but it also
18 demonstrates the fact that this is really what the sort
19 of the spirit of the competition is for the young
20 people as well as for adults, and bringing your son is
21 part of that whole culture. So if you come to the game
22 with your son, that's a sort of good message for the
23 whole state, that this is something that families do
24 together, particularly fathers and sons.

25 Q But it's not your policy that you would pay for

1 your son?

2 A Only because of the media speculation.

3 Q What do you mean by that?

4 A In other words, this is something that happens very
5 regularly, that there are media inquiries about how did
6 you get in here and how did you get in there and that
7 kind of thing, so we've adjusted to it. But our
8 position on the actual rules of integrity is the same
9 as it's been.

10 Q So is it your testimony that you feel a ticket
11 could have been provided free of charge to your son but
12 that it was better politics that you pay for him for
13 Game 1 of the World Series?

14 A Yes.

15 Q How about your son's friend?

16 A Well, we paid for the ticket.

17 Q For your son's friend's ticket?

18 A Right.

19 Q Did you pay prior to his attendance at Game 1?

20 A Yes -- well, I wrote the check before Game 1. I
21 see that they didn't get it until November 3rd.

22 Q So just so we're clear, you wrote the check out
23 other than to whom it was going to be made to --

24 A Right.

25 Q -- prior to attending Game 1 of the World Series?

1 A Right.

2 Q So you wrote out \$850 on the check?

3 A Right.

4 Q And how long did you walk around with that in your
5 pocket?

6 A I took it to the game and gave it to David Johnson.

7 Q You gave it to Mr. Johnson at the game?

8 A Right.

9 Q Do you know how long he walked around with an
10 unmade check for \$850 out?

11 A He told me that -- no, I actually don't know.

12 Q So he didn't tell you anything?

13 A Well, he told me he was going to try to -- when we
14 left the stadium, he said he was going to get it to
15 them the next day.

16 Q Do you know whether he got it to them the next day?

17 A I don't know.

18 Q Did you have any concerns with an unmade check for
19 \$850 being carried around at Yankee Stadium?

20 A I didn't think anyone was going to steal it from
21 me.

22 Q It's your understanding that Mr. Johnson wrote out
23 the name Irfan Kirimca on the check?

24 A Right.

25 MS. HOLOHAN: Go off the record.

1 (Discussion held off the record.)

2 BY MS. HOLOHAN:

3 Q Governor, you testified earlier that you had
4 written out the check for your son and your son's
5 friend's tickets for \$850?

6 A Right.

7 Q And that you left the "pay to the order" section
8 blank?

9 A Right.

10 Q How did you know to make the check out for \$850?

11 A Because I was told what the price of the tickets
12 was.

13 Q Who told you?

14 A I really don't remember. I mean, I think I know,
15 but I don't feel -- I don't know.

16 Q Was it Mr. Johnson?

17 A It could have been, but I'm not sure now.

18 Q When did he tell you?

19 A I don't even know that he told me that.

20 Q You testified earlier that you had dealings with
21 the media while at Game 1 of the World Series, correct?

22 A Yes.

23 Q Were those prearranged?

24 A No.

25 Q So how did it come about that you spoke with the

1 media during Game 1?

2 A Well, the section where people were sitting is
3 where the vice president -- in other words, it's where
4 the dignitaries were coming and the media was standing
5 there, so the specific interviews were not prearranged,
6 but it was clear we were going to run into the media.

7 Q When you spoke to the media, what topics did you
8 discuss?

9 A I don't remember anything other than baseball.

10 Q Did New York State have any involvement in the
11 building of the new Yankee Stadium?

12 A I wouldn't say -- tangentially.

13 Q What do you mean by "tangentially"?

14 A In other words, I don't know what New York City's
15 role in rebuilding -- in building the new Yankee
16 Stadium was.

17 Q I apologize if I said New York City. I meant New
18 York State.

19 A New York State, right, that's what I thought you
20 meant.

21 Q Do you know what New York State's role was?

22 A I don't know.

23 Q You testified earlier that with the creation of the
24 new Citi Field, there was a new MTA stop built nearby,
25 is that correct?

1 A I didn't say that.

2 Q I'm sorry, then.

3 A I said that it was some transportation issue that
4 they had been talking to us about, and the Empire State
5 Development Corporation did have some interaction with
6 them, something that they wanted done differently than
7 the way it was being done. And, you know, they had
8 spoken to me about -- you know, about this issue on
9 occasion.

10 Q Did you have any similar conversations with the
11 Yankees regarding the building of the new Yankee
12 Stadium?

13 A No. No.

14 Q Did you have any conversations with the Yankees
15 regarding the building of the new Yankee Stadium?

16 A I had conversations with them about the building of
17 it, but nothing that I think I would describe as State
18 business.

19 Q How is the business of New York State enhanced by
20 your appearance at Game 1 of the World Series?

21 A I think that the people of the State of New York
22 recognize and the people of the City of New York, they
23 recognize that their Mayor and their Governor are
24 taking an interest in what is a huge sort of cultural
25 and economic event in the city, openings, new

1 opportunities, new jobs. It's a gleeful moment for the
2 citizenry, and it's a positive. But there is a
3 negative, that their Governor, where is he? You know,
4 where else should he be on the opening night of the
5 World Series but at the World Series?

6 Q You testified earlier that you had an interview
7 with Fox News 5 during opening day of Citi Field,
8 correct?

9 A Yes.

10 Q Was that prearranged?

11 A I don't think so.

12 Q Do you know how that came about?

13 A I think I was standing there and they walked up to
14 me. Fox News 5 at opening day I believe was at Yankee
15 Stadium. That's what confused me.

16 Q I apologize.

17 A It was at Yankee Stadium.

18 Q But you spoke with the media at opening day of Citi
19 Field?

20 A Yeah, I spoke with Roseanna Scotto, I believe is
21 the name.

22 Q Was that interview prearranged?

23 A No.

24 Q How did that come about?

25 A I'm sitting there and she walked up and started

1 talking to me.

2 Q And what did you discuss?

3 A The Yankees, the new stadium.

4 Q You testified earlier that you're not certain
5 whether you paid for your son's ticket to opening day
6 of Citi Field, correct?

7 A Yes, but after reading the document I now believe
8 that I didn't pay for it.

9 Q I believe that document dealt with opening day of
10 Yankee Stadium, so -- just so we're clear for the
11 record.

12 A Okay. No, but you see, having read that, that's
13 our policy, so I would assume I didn't pay for his
14 ticket to Shea Stadium.

15 Q Okay. So in reading what has been marked as
16 Exhibit 1, it is now to the best of your recollection
17 that you did not pay for your son's ticket to opening
18 day of Citi Field?

19 A No.

20 Q No, you did not pay?

21 A No.

22 Q Do you generally walk around with your checkbook?

23 A No. I didn't then.

24 Q What do you mean, you didn't then?

25 A I've never said here that I had my checkbook.

1 Q No. Do you generally a walk around with your
2 checkbook?

3 A Never.

4 Q But you had it on the opening day --

5 A No.

6 Q -- of the World Series?

7 A No.

8 Q No. I'm sorry. So how did it come about that you
9 wrote a check for \$850?

10 A I wrote the check at home and brought it to the
11 game.

12 Q Do you keep carbon copies of your checks?

13 A No.

14 Q Do you know whether the seats that you obtained to
15 opening -- excuse me -- to Game 1 of the World Series
16 were generally available to the public?

17 A I don't know. I would think so, based on a lot of
18 the fans I met there.

19 Q Could you explain what you mean by your statement?

20 A I talked to a lot of the fans who were sitting
21 around me, and they did not appear to be -- you know, I
22 didn't get the impression that they were anything other
23 than fans. But, look, I don't know the answer.

24 Q Did you ever see a ticket to Game 1 of the World
25 Series?

1 A No.

2 Q Do you have a stub to Game 1 of the World Series?

3 A I don't remember. I think I do.

4 Q Before we conclude, do you have anything further
5 you would like to state?

6 A Well, I'll just state what I've stated before, that
7 there are events that are very high profile. If a
8 Governor did not attend them, they would create
9 problems, like trying to explain where you were rather
10 than at the game with 2,000 people, first game of the
11 World Series, and there hasn't been a World Series in
12 New York in nearly a decade. You have a bet with the
13 Governor of Pennsylvania on the outcome of the game.
14 You've been in the media, very high profile, talking
15 about the game on sports talk radio, but it comes into
16 conversations in regular news interviews.

17 You've been asked, "Will you attend the game?" And
18 that was what influenced me that I really needed to
19 attend the game. I think even if we had had a special
20 session in Albany, I would have had to have found a way
21 to have come down for the game. In other words, the
22 impact of not being at the game became more clear to
23 me, even in the days before the game, and so I felt
24 that it was my professional duty to be at the game.

25 Other people that come with the Governor -- the

1 Governor can't go to the game by himself. I took
2 pictures with fans during the whole game. At one point
3 we changed seats to get me on the inside so that people
4 actually coming up, kneeling down next to me and the
5 camera would go off in the middle of me trying to watch
6 the game, and that's what your role is, as the chief
7 executive of the State that you would go to the game
8 and that this is part of your duty.

9 Your taking your son to the game is a nice touch.
10 It lets the people of the state know that you
11 understand what baseball means to people and what
12 baseball means to families, and it's one of those
13 activities that, hopefully, builds competition and
14 character among younger people. You bring your son to
15 the game, you know, or your daughter to the game, if
16 they're interested. And I think it is completely in
17 line with what would be a special circumstance where a
18 person is acting in their official capacity and the
19 people around them are there to assist them at a
20 baseball game, at the first game of the World Series.
21 The only instances where this has come up are the first
22 game of the World Series and the opening of two
23 stadiums, ironically, in the same year.

24 I go to events all the time, and I pay to go there
25 and I pay for my family to go there. In this instance

1 I don't see it as anything other than my official
2 capacity.

3 MR. PEARLMAN: Thank you, Governor.

4 MR. GINSBERG: Thank you.

5 MS. HOLOHAN: That is all for now. Thank
6 you.

7 THE WITNESS: Thank you.

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12 * * * 2:25 p.m. * * *

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EXHIBITS

<u>Commission</u>	<u>Marked</u>
3	4
4	34

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C E R T I F I C A T E

I, Kay Trigilio, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

Kay Trigilio
Kay Trigilio, Notary Public
State of New York

DATE: February 24, 2010